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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,982	10/19/2001	Yoshihiro Matsuyama	1573.1009	7504

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EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/981,982	MATSUYAMA ET AL.	
	Examiner	Art Unit	
	Marcos L. Torres	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5,9-11,16,17,20,21,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5,9-11,16,17,20,21,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-31-07 has been entered.

Response to Arguments

2. Applicant's arguments filed 10-31-07 have been fully considered but they are not persuasive.
3. Regarding applicant argument directed to the new limitation of: "a separate device which is different from said receiving device and receives and views a content for narrowband transfer, over said mobile communication network not via said receiving device"; the combination of Sivula and Adachi still teach the above limitation, please note that the user of the mobile the mobile device can receive and choose content from the special application service center to compose the message before is broadcasted (see col. 8, lines 28-62).
4. As to applicant argument that Adachi fails to disclose a content data providing information processing apparatus, please see fig. 1, item 7. Regarding applicant argument that in Adachi the server will response providing a particular service based upon the user response; it is noted that also the present application the server will

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response providing a particular service based upon the user response of the separate device. Once the user choose the service is going to be received automatically (see col. 3, lines 5-11).

5. Please see new grounds of rejection for claims 25-26.

Claim Objections

6. Claims 3, 9, 16, 20 are 25-26 are objected to because of the following informalities: the above claims disclose the limitation "a separate device ... receives and views a content", it is noted that normally the device display a content rather than view a content, and normally the step of viewing is done by the user rather than the device. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 3-5, 9-11, 16-17, 20-22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sivula (US 6,795,711) in view of Adachi US006829474B1.

As to claims 3 and 9, Sivula discloses an information processing apparatus for use in a system comprising a mobile communication network and a broadband communication network connected via gateway to said mobile communication network (see fig. 2, item 14, 26, 32, 30; fig. 3, item 36), said information processing apparatus comprising: a processor receiving a content transmission request including a content identification of a content for narrowband or broadband transfer, determined by a user and an address of a receiving device (see fig. 1, item 16) determined by said user which is to receive data of said content (see col. 7, lines 20-25, 62-67), from a separate device (see fig. 1, item 10) which is different from said receiving device and received and views a content for narrowband transfer (see col. 8, lines 28-62) over a mobile communication network, in response to the receipt of said content identification and said received address of said receiving device from said separate device, said processor transmitting,

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said received content identification and said received address of said receiving device to a content data providing information processing apparatus which provides said content data and which is different from said processor, wherein the content data is provided automatically (on narrowband transfer only) by said content data providing information processing apparatus, in response to the receipt, from said processor of said transmitted content identification and said transmitted address of said receiving device, to said receiving over said broadband network (see col. 5, line 66 – col. 6, line 5; col. 7, lines 47-52; col. 8, lines 28-44; fig. 3, item 36, 46, 54, 62). Sivula does not specifically disclose that the connection between the processor and the content data providing information processing apparatus which is different from said first apparatus and is a broadband (high-speed) connection through the gateway. In an analogous art, Adachi discloses a content data information processing apparatus connected to the processor using a broadband (Internet) connection through the gateway and sending the data automatically (see fig. 1, items 1, 6, 7; col. 4, lines 53-56; col. 3, lines 5-11), thereby permitting to connect various content server connected to the internet. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband between the processor and the content data providing information processing apparatus to maintain a good transfer of data.

As to claims 4 and 10, Sivula discloses the information processing apparatus wherein said processor transmits a Web page containing said content identification to said separate device over said mobile communication network (see col. 7, item 49-53).

As to claims 5 and 11, Sivula discloses the information processing apparatus according to claim 3 wherein said processor transmits further a user identification of the user to said content data providing information processing apparatus (see col. 7, lines 23-25).

Regarding claims 16-17 and 20-22, are corresponding stored program claim of the apparatus claims 3-4 and 9-10. Therefore they are rejected for the same reason shown above.

As to claim 25, Sivula discloses a method of directing content to a receiving device, comprising: receiving on a information server via mobile communications network a request from a mobile device which receives and view a content for narrowband transfer comprising a uniform resource locator of the content for narrowband or broadband transfer and an address of a receiving device separate from the mobile device; and transmitting from the information server via a gateway to a content server on a network the request comprising the uniform resource locator of the content and the address of the receiving device separate from the mobile device, the content server transmitting to the receiving device separate from the mobile device the contents addressed by the uniform resource locator (see col. 5, line 66 – col. 6, line 5; col. 7, lines 47-52; col. 8, lines 28-62; fig. 3, item 36, 46, 54, 62). Sivula does not specifically disclose that the connection between the information server and the gateway is a broadband (high-speed) connection. In an analogous art, Adachi discloses that the connection between the information server and the gateway is a broadband (high-speed) connection and sending the data automatically (see fig. 1, items 1, 6, 7;

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col. 4, lines 53-56; col. 3, lines 5-11), thereby permitting to connect various content server connected to the internet. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband between the processor and the content data providing information processing apparatus to maintain a good transfer of data.

As to claim 26, Sivula discloses a method, comprising: receiving content data at a network server via a mobile communications network from a device which receives and views a content for narrowband transfer, the content data including content identification of a content for broadband transfer, determined by a user, and an address of a receiving device, determined by said user; transmitting said content data including the content identification and the address of the receiving device to a content server not via said receiving device; and transmitting the content to the receiving device automatically by the content server (see col. 5, line 66 – col. 6, line 5; col. 7, lines 47-52; col. 8, lines 28-62; fig. 3, item 36, 46, 54, 62). Sivula does not specifically disclose that the connection between the information server and the gateway is a broadband (high-speed) connection. In an analogous art, Adachi discloses that the connection between the information server and the gateway is a broadband (high-speed) connection and sending the data automatically (see fig. 1, items 1, 6, 7; col. 4, lines 53-56; col. 3, lines 5-11), thereby permitting to connect various content server connected to the internet. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband

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between the processor and the content data providing information processing apparatus to maintain a good transfer of data.

Conclusion

Any response to this Office Action should be mailed to:

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for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

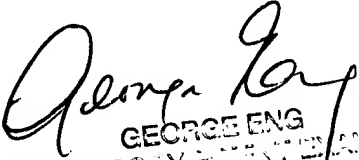
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617

mlt


GEORGE ENG
SUPERVISORY PATENT EXAMINER